



SIGNED THIS 4th day of August, 2023

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**


Rebecca B. Connelly
UNITED STATES BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

In re:

**TOMMY DEWAYNE DOBSON,
ANNE CHRISTINE DOBSON,
Debtors.**

**Chapter 11
Case No. 23-60148**

**NANCY MUMM,
Plaintiff,**

v.

**TOMMY DEWAYNE DOBSON,
ANNE CHRISTINE DOBSON,
Defendants.**

Adv. P. No. 23-06015

ORDER

The plaintiff filed a complaint initiating this adversary proceeding on May 5, 2023. *See* ECF Doc. No. 1. The Court issued a summons on May 8, 2023. *See* ECF Doc. No. 4. Because no certificate of service had yet been filed, on June 28, 2023, the Court issued a Notice that unless service on the defendant was certified by August 3, 2023, the named defendant would be dismissed from the suit without prejudice. *See* ECF Doc. Nos. 5, 6; *see also* Fed. R. Bankr. P. 7004(a)(1); Fed. R. Civ. P. 4(m) (“If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.”).

The plaintiff has not certified service on the defendant, and thus the Court will dismiss the defendant from this action. Because the defendant is the only defendant in this adversary proceeding, the Court will dismiss the adversary proceeding. Accordingly, it is

ORDERED

that the complaint is **DISMISSED**.

The Clerk is directed to send a copy of this Order to counsel for the plaintiff.

End of Order